

Initiative Measure No. 1472

filed February 18, 2016

AN ACT Relating to the removal or extraction of human biological material; amending RCW 46.20.308 and 46.52.065; creating a new section; and repealing RCW 46.61.508 and 90.56.560.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. (1) It is the intent of the people through this initiative to preserve their natural right to exclusive autonomous sovereignty concerning their own bodies.

(2) Under no circumstances is it lawful to remove or extract biological material from:

(a) A conscious person's body for any purpose without that person's explicitly expressed consent, following notification of his or her right not to provide such material;

(b) An unconscious person's body for any purpose other than if required to render life-preserving medical aid;

(c) A deceased person's body, except:

(i) If required to determine the cause of death;

(ii) To fulfill the expressed intentions of the deceased person;

or

(iii) If no other reliable means is available to identify the deceased person.

Sec. 2. RCW 46.20.308 and 2015 2nd sp.s. c 3 s 5 are each amended to read as follows:

(4) ~~((Nothing in subsection (1), (2), or (3) of this section precludes a law enforcement officer from obtaining a person's blood to test for alcohol, marijuana, or any drug, pursuant to a search warrant, a valid waiver of the warrant requirement, when exigent circumstances exist, or under any other authority of law.))~~ Any blood drawn for the purpose of determining the person's alcohol, marijuana levels, or any drug, is drawn pursuant to this section when the officer has reasonable grounds to believe that the person is in physical control or driving a vehicle under the influence or in violation of RCW 46.61.503.

Sec. 3. RCW 46.52.065 and 1977 ex.s. c 50 s 1 are each amended to read as follows:

~~((Every coroner or other official performing like functions shall submit to the state toxicologist a blood sample taken from all drivers and all pedestrians who are killed in any traffic accident where the death occurred within four hours after the accident.))~~ Blood samples shall be taken and submitted in the manner prescribed by the state toxicologist. The state toxicologist shall analyze these blood samples to determine the concentration of alcohol and, where feasible, the presence of drugs or other toxic substances. The reports and records of the state toxicologist relating to analyses made pursuant to this section shall be confidential: PROVIDED, That the results of these analyses shall be reported to the state patrol and made available to the prosecuting attorney or law enforcement agency having jurisdiction: PROVIDED FURTHER, That the results of action where relevant and shall be made available to the parties to any such litigation on application to the court.

NEW SECTION. Sec. 4. The following acts or parts of acts are each repealed:

(1) RCW 46.61.508 (Liability of medical personnel withdrawing blood) and 2015 2nd sp.s. c 3 s 23 & 1977 ex.s. c 143 s 1, and

(2) RCW 90.56.560 (Limited immunity for blood withdrawal) and 2000 c 69 s 24 & 1991 c 200 s 607.